

PATENT  
Customer No. 22,852  
Attorney Docket No. 06843.0009-08

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Keith E. LANGLEY et al.

Application No.: 08/803,954

Filed: August 29, 2001

For: METALLOPROTEINASE  
INHIBITOR

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Group Art Unit: 1647

Examiner: Robert C. Hayes, Ph.D.

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OCT 18 2002

Commissioner for Patents  
Washington, DC 20231

TECH CENTER 1600/2900

Sir:

DECLARATION UNDER 37 C.F.R. § 1.131

We, Keith E. Langley, Yves A. DeClerck, and Thomas C. Boone, state that we are the named applicants of the above-identified application and are the co-inventors of the subject matter described and claimed therein. Prior to March 21, 1989, we had completed in this country the invention as described and claimed in the above-identified application as evidenced by the following:

1. Page 40 of Keith Langley's laboratory notebook 2587 (Exhibit 1), which outlines the preparation of recombinant human TIMP-2 for injection into three rabbits for making antibodies.
2. Page 41 of Keith Langley's laboratory notebook 2587 (Exhibit 2), which shows that approximately 1.4 milliliters of a recombinant human TIMP-2 solution was sent to Helen Hockman for preparing antibodies.

3. Page 72 of Keith Langley's laboratory notebook 2587 (Exhibit 3), which shows the results of a Western blot on four samples, human TIMP-1, bovine TIMP-1, human recombinant TIMP-2 (which we referred to as C[ollagenase] I[inhibitor]) and bovine TIMP-2, using a 1:100 dilution of a polyclonal antibody prepared against recombinant human TIMP-2. Exhibit 3 shows that the antibody reacted best with recombinant human TIMP-2 as expected.

4. The redacted dates on Exhibits 1, 2, and 3 are before March 21, 1989.

Each of us hereby declares that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further, that the statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patents issuing thereon.

Dated: September 4, 2002 By: Keith E. Langley  
Keith E. Langley

Dated: September 13, 2002 By:   
Yves A. DeClerck

Dated: September 17, 2002 By: Thomas C. Boone  
Thomas C. Boone